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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,810	02/18/2004	James D. Martin	432-001	1523
50760	7590	07/14/2005		
NEIL F. MARKVA 8322-A TRAFORD LANE SPRINGFIELD, VA 22152			EXAMINER HAYES, BRET C	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/780,810

Applicant(s)

MARTIN, JAMES D.

Examiner

Bret C. Hayes

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The indicated allowability of claims 16 – 20 is withdrawn in view of the newly discovered reference(s) to US Patent No. 5,145,265 to Flem. Rejections based on the newly cited reference(s) follow.

#### *Allowable Subject Matter*

2. Claims 1 – 15 are allowed.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,662,751 to Rutter, previously cited, in view of Flem, as cited above.

5. Re – claim 16, Rutter discloses the invention substantially as claimed including a tether assembly comprising an outwardly extending tie section **550**, for example, and support means **510**, for example, including a cylindrical receiver portion **520**, for example. However, Rutter does not disclose bushing means disposed between the connector portion and the receiver portion.

6. Flem teaches a bushing means **2** in the analogous art of bearings for the purpose of ‘popping’ the bearing ‘in’ a desired bore **40**, and subsequently providing a wear surface for a shaft **50**.

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7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rutter to include a bushing means as taught by Flem in order to minimize wear and tear on both the connector portion and the receiver portion.

8. Re – claim 17, Rutter in view of Flem discloses the claimed invention in that the assembly of Rutter has the receiver portion extending below the connector portion and the connector portion is removable for the connector end portion.

9. Re – claim 18, Rutter in view of Flem discloses the claimed invention in that the assembly of Rutter has the connector portion having a length sufficient to rotate within the receiver portion. Further, the recitation that an element is “sufficient” to perform a given function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

10. Re – claim 19, Rutter in view of Flem discloses the claimed invention in that Flem teaches at least one bushing member being split generally lengthwise. It would have been obvious to one of ordinary skill in the art to include the split as taught by Flem in order to cylindrically expand and resiliently grasp the connector portion.

11. Re – claim 20, Rutter in view of Flem discloses the claimed invention except for the bushing means including two bushing members each split generally lengthwise. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include two bushing members each being split generally lengthwise, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

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*Response to Arguments*

12. Any of Applicant's arguments with respect to claims 16 – 20 would have been considered but would be moot in view of the new ground(s) of rejection.

*Conclusion*

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for “centralized delivery”.

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (571) 272 – 6902. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu, can be reached at (571)272 – 7045. The fax number is (703) 872 – 9306.

bh

10-Jul-05



TERI PHAM LUU  
SUPERVISORY  
PRIMARY EXAMINER